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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,064

11/02/2005

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112740-1055

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29177 7590 08/10/2007  
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EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/523,064

Applicant(s)

SCHMIDT ET AL.

Examiner

Marcos L. Torres

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7-20-07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7-20-07 have been fully considered but they are not persuasive.
2. Regarding applicant arguments that the prior art fails to teach the limitations, because the elements (MSISDN, IMSI) of Alperovich do not address the problem to be solved in the claims, because the MSISDN is routinely suppressed by a sender aiming to preserve his anonymity before the receiver; it is noted that Alperovich does address the problem of blocking undesirable messages (see title) which the present application is aimed for; also contrary to the applicant argument Alperovich discloses the receiver receiving the identifier and choosing who goes to the exclusion list (see col. 5, lines 51-66). Also, Alperovich discloses that is not limited to those identifiers (see col. 6, lines 15-20).
3. As to applicant argument that the IMSI will never be available to the receiver, because it merely serves for purpose of the service provider to identify individual mobile phone; the above argument is misplaced, first, IMSI does not identify mobile phone, rather IMSI identify the mobile subscriber account, carrier and country; second, IMSI and MSISDN are example of identifiers that can be used are not limited to those (see col. 6, lines 15-20) the teaching is the user receiving a message with an X identifier and notifying the service provider to exclude such sender.

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4. Because the current interpretation of using other "origin identifier" reads on the current claims the rejection in record is proper. Therefore, the current rejection in record stands.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 23-28, 30-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich US006101393A.

As to claim 23, Alperovich discloses a method for blocking undesirable messages in a mobile radio system (see col. 1, lines 7-10), the method comprising: sending a message from a sender to a transmitter (see col. 3, lines 27-30); transmitting the message from the transmitter to a service provider (see col. 3, lines 37-45); and transmitting the message from the service provider to a recipient, the recipient being serviced by the service provider (see col. 3, lines 50-66), such that the message is transmitted from the service provider to the recipient only if the sender does not figure on a list of exclusions (see col. 5, lines 22-50); wherein the recipient receives the message with a name and notifies the service provider if the recipient wants to have the sender of the message put on the list of exclusions, with the notification to the service provider containing the name as an identification signal (see col. 5, lines 51-66). Alperovich does not specifically disclose an alias name; however he suggest using alternative names other than MSISDN or IMSI (see col. 6, lines 15-20). Since an alias is an alternative name it would be obvious to one of the ordinary skill in the art at the time of the invention that Alperovich disclose the above limitation.

As to claim 24, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the list of exclusions is managed by the service provider (see col. 5, lines 22-25).

As to claim 25, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the list of exclusions is a personal, individual list of exclusions of the recipient (see col. 6, lines 7-9).

As to claim 26, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the list of exclusions is a general list of exclusions that is taken into consideration for at least one of all recipients and groups of recipients (see col. 6, lines 7-10).

As to claim 27, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the notification to the service provider is formed as a self-contained abstract message (message that contain the "identification signal" (name of sender); see col. 5, lines 51-66).

As to claim 28, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the notification to the service provider is integrated in the abstract message in the an information element form (message that contain the "identification signal" (name of sender); see col. 5, lines 51-66).

As to claim 30, Alperovich discloses a method for blocking undesirable messages in a mobile radio system wherein the notification to the service provider contains further information for the filter functionality, including at least a type of the list of exclusions and time limitations (see col. 5, lines 22-50; col. 6, lines 7-9).

Regarding claims 31-36 and 38, they are the corresponding system claims of method claims 23-28 and 30. Therefore, claims 31-36 and 38 are rejected for the same reasons shown above.

5. Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Rooke US 20020044634A1.

As to claim 29, Alperovich discloses the method for blocking undesirable messages in a mobile radio system wherein the notification to the service provider is contained in user data of Message (see col. 5, lines 51-66). Alperovich does not specifically disclose that the message is a Multimedia Message. In an analogous art, Rooke discloses sending a Multimedia Message to send a notification to the service provider (see par. 0041-0043). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a Multimedia Message to send the notification to the service provider in order to be compatible with the MMS standard.

Regarding claim 37 is the corresponding system claim of method claim 29. Therefore, claim 37 is rejected for the same reason shown above.

### ***Conclusion***

Any response to this Office Action should be mailed to:

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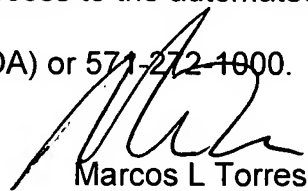
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Marcos L Torres  
Examiner  
Art Unit 2617

mlt